

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Inquiry Concerning the Deployment of)
Advanced Telecommunications)
Capability to All Americans in a Reasonable)
And Timely Fashion, and Possible Steps)
To Accelerate Such Deployment)
Pursuant to Section 706 of the)
Telecommunications Act of 1996)

CC Docket No. 98-146

To: The Commission

COMMENTS OF PAGING NETWORK, INC.

Paging Network, Inc. ("PageNet"), by its attorneys and pursuant to 47 C.F.R. § 1.430, hereby submits these Comments in response to the *NOI* in the above-captioned docket.¹ As set forth below, PageNet believes this inquiry critical to the evolution of the existing regulatory scheme and the application of new and increasingly diverse service offerings by both wireline and wireless carriers.

I. Introduction.

PageNet, through its subsidiaries, is the largest messaging carrier in the United States serving over 10 million units. PageNet currently offers a full range of paging and advanced messaging services, including Internet messaging, guaranteed-delivery messaging and two-way

¹ Notice of Inquiry, CC Docket No. 98-146, FCC 98-187 (rel. Aug. 7, 1998) ("*NOI*").

interactive messaging. In the near future, PageNet will be deploying a broad array of advanced, branded and customized, value-added wireless information services.

In order to provide the Commission with some insight into what to expect from messaging carriers, PageNet describes in these Comments some of its newer services. PageNet does not, however, take a position as to whether the new and innovative services it is offering today and in the near term are “advanced services” for purposes of Section 706 of the Communications Act. These descriptions are simply offered for informational purposes. PageNet does suggest that whatever the ultimate definitions of advanced telecommunications capability and advanced services, they cannot exclude one-way communications services. Finally, PageNet notes that the use of the terms “broadband” and “narrowband” in the context of wireless services do not have an impact on the developing definition “broadband” in the context of Section 706.

In PageNet’s view, whether its services are characterized as advanced, or some other broad classification, may be less important than the impact of such a classification on both the way telecommunications carriers such as PageNet continue to be regulated, and the way in which the local exchange companies are regulated. For example, will a classification of PageNet’s services as “advanced” threaten its right to obtain essential, or beneficial, network elements and services from the local exchange carriers? Does classification of services as “advanced” under Section 706 ultimately threaten the continued viability of the basic network? These are among the key questions for the Commission and the industry to consider.

II. Description Of PageNet Services.

PageNet is constantly looking to expand the volume and quality of information it is able to provide to its customers. PageNet recognizes that wireless messaging has evolved from

simply alerting a subscriber that a message had been sent, to a versatile telecommunications delivery system for a wide variety of information. As such, PageNet has entered partnerships to enable it to reach more people with expanded products, services and applications that meet specific customer needs. For example, PageNet is in partnership with Microsoft Corporation to develop wireless applications and information services for Microsoft's *Windows CE* devices.

With the *PageNet Two-Way* service, currently being rolled out, customers may send and receive traditional numeric and alpha-numeric paging messages, send messages to multiple recipients, send and receive Internet e-mail, and receive news updates and other useful information. Using this service, customers compose messages using the small keyboard on the *PageNet Two-Way* device. This message can be addressed and sent to any e-mail or paging number in the customer's address book which is stored in the memory of the *Two-Way* device. When replying to messages, customers can create a customized message, choose from a list of replies included in the message of the sender, or choose one of several preprogrammed replies already stored in the *PageNet Two-Way* unit. This service can be tailored to permit Intranet, as well as Internet, access. Users can also choose from additional features including voice mail, operator dispatch services and personal computer connectivity for downloading information and customized operations.

In addition to the person-to-person (or point-to-point) messaging service currently provided to PageNet subscribers, customers also have the ability to access point-to-multipoint services carrying news, weather, financial, entertainment, sports and other information. PageNet now provides content from *CNN Interactive* and *Forbes Online Business Summaries* to its residential and business customers. With access to information of this type, PageNet customers

are provided up to the minute data on the events that shape their lives, as well as insightful analysis of these events by the world's top news and information organizations.

PageNet is committed to exploring additional applications of its network and services. One such application is the provision of an innovative remote automotive security system. Under an agreement with Adaptive Vehicle Systems, PageNet already enables tens of thousands of motorists to access their vehicles via remote keyless entry. This remote security system, currently marketed by Audiovox and other distributors, allows customers to perform a number of additional functions including remote ignition starting, alarming and disarming of the automobile, and carjacking protection.

In addition to the services described above, PageNet will deploy new and innovative service applications to answer competition and customer requirements. PageNet will deploy these services over its one-way and two-way networks and may combine offerings from its differing networks to meet the multiple one-way and two-way needs of its customers. Because PageNet believes there are decades of startling innovations ahead, the definitions of advanced telecommunications capability and advanced services must be flexible to include innovations and technical advances from every corner of the telecommunications industry.

III. The Definition of Advanced Telecommunications Capability Should Include One-Way Telecommunications.

In the *NOI*, the Commission noted that the statutory definition of “advanced telecommunications capability” specifies that such telecommunications must “originate *and* receive” and that the content of such transmitted telecommunications must be “voice, data,

graphics, and video.”² PageNet believes that any interpretation of the definition of advanced telecommunications capacity that excludes a service on the basis of the direction of its transmission flow fails the expressed mandate of the Congress. Specifically, because the Act defines advanced telecommunications capability in a technologically neutral manner, the interpretation of the 706 definition should also be technologically neutral.

PageNet wishes to emphasize that, just as the use of the word “and” between “voice, data, graphics” and “video” does not mean that a qualifying network must always transmit all four types of content, the use of the word “and” between “originate” and “receive” in the definition of “advanced telecommunications capability” does not mean that a qualifying service must always do both. In construing a similar phrase contained in Section 251(c), the Commission interpreted recently the phrase, “telephone exchange service and exchange access” to include both the conjunctive and disjunctive.³ There, the Commission interpreted “and” to mean either “and” or “or” so that incumbent local exchange carriers would be forced to provide interconnection for transmitting and routing telephone traffic, or exchange traffic, or both. The Commission did so, just as it should here, to be consistent with the intent of Congress to foster entry by competitive

² Section 706 of the Telecommunications Act of 1996, defines “advanced telecommunications capability” “without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.”

³ See *In re Implementation of the Local Competitive Provisions of the Telecommunications Act of 1996 and Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, *First Report and Order*, CC Dockets 96-98 & 95-185, FCC 96-325, ¶ 184 (rel. Aug. 8, 1996). By analogy, the Commission noted the requirement of incumbent local exchange carriers to provide interconnection for “electrical *and* optical” signals. Clearly, the Congress did not intend that, in order to be provided with interconnection, a requesting carrier must simultaneously request interconnection for electrical and optical signals. Rather, The Commission held that

providers into the local exchange market. In the present case, it is the intent of Congress to promote the development of all advanced services, not to favor one service or a collection of services over another.⁴ To exclude a service because it does not “originate *and* receive” data, or that such data must be “voice, data, graphics, *and* video,” would violate the intent of Section 706 and be an injustice to the provider of that service, as well as to its recipients.

IV. The Definition of Broadband.

In the *NOI*, the Commission noted that the statute does not define the term “broadband” and sought comment on how to define it.⁵ PageNet wishes to note that the Commission has traditionally used the terms “broadband” and “narrowband” to distinguish between certain wireless carrier spectrum categories. Although it is clear that the use of the term “broadband” in the statute is not related to the use of the term in the wireless arena, the Commission should not assume that wireless “narrowband” services should be excluded from the term “broadband” in the statute. The definition of the term “broadband” must relate to what is considered an advanced service. If a carrier provides an advanced service, then that carrier’s network has, by definition, broadband capabilities, no matter how much or little spectrum is being utilized.

incumbent carriers would have to honor requests to carrier electrical *or* optical signals.
See id.

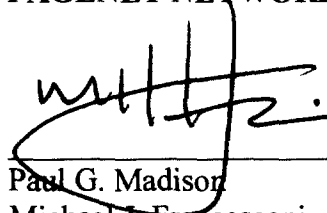
⁴ The Senate Report clearly states that this section’s goal is to “promote and encourage advanced telecommunications networks” that are “*capable of* enabling users to originate and receive affordable, high quality voice, data, image, graphics, and video telecommunications services” to deploy such services. *S. Rep. No. 104-23*, at 50 (1995) (emphasis added).

⁵ *See NOI*, ¶ 14.

Respectfully submitted,

PAGENET NETWORK, INC.

By:

A handwritten signature in black ink, appearing to read "Paul G. Madison", is written over a horizontal line.

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